

ENTERED

May 31, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ADOLFO ERAZO,

Plaintiff,

v.

STATE FARM LLOYDS,

Defendant.

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CIVIL ACTION NO. H-23-1965

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

The court has reviewed the Memorandum and Recommendation of United States Magistrate Judge Bennett signed on May 3, 2024. (Docket Entry No. 16). FED. R. CIV. P. 72(b). Neither party has objected to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1)(C). Based on the pleadings, the record, the briefing, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Opinion.

State Farm Lloyd's motion for summary judgment is granted in part and denied in part. (Docket Entry No. 12). It is granted as to Adolfo Erazo's claims for breach of the common-law duty of good faith and fair dealing, DTPA violations, violations of Texas Insurance Code Chapter 541, and claims under §§ 542.055 and 542.056 of the Texas Insurance Code. It is denied as to Erazo's claims for breach of contract and violations of Texas Insurance Code §§ 542.058 and 542.060. Erazo's fraud claim is also dismissed with prejudice.

SIGNED on May 31, 2024, at Houston, Texas.



Lee H. Rosenthal
United States District Judge